

bronchitis, and common colds, and that the devices were used by leading medical clinics throughout the country. They would not be efficacious in the treatment of such disease conditions, and they were not in use in the leading medical clinics throughout the country.

**DISPOSITION:** October 22, 1947. A plea of nolo contendere having been entered, the court suspended the imposition of sentence and placed the defendant on probation for 6 months.

**2344. Misbranding of Thermapax device. U. S. v. Duval B. Jackson. Plea of nolo contendere. Sentence of 30 days in jail and fine of \$200. (F. D. C. No. 23251. Sample Nos. 21995-H, 21996-H.)**

**INFORMATION FILED:** December 29, 1947, Northern District of Indiana, against Duval B. Jackson, Memphis, Tenn.

**ALLEGED SHIPMENT:** On or about February 27 and March 12, 1946, from the State of Indiana into the States of Tennessee and Kentucky.

**PRODUCT:** Examination showed that the device was a cap-shaped metal shell containing insulated wire. When connected to a source of electric current, it produced heat and was surrounded by a magnetic field.

**LABEL, IN PART:** "Thermo-Magno-Ray Thermapax Health Applicator."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in accompanying circulars entitled "Magnetic Rays A Powerful Factor in Restoring and Preserving Health," which were delivered to the consignees of the device on or about February 27 and March 7, 1946, were false and misleading. These statements represented and suggested that the device would be efficacious in restoring and preserving health; that it would produce health giving rays; that it would be efficacious in the treatment and prevention of human ills and would accomplish brilliant results in the treatment of disease; that it would be efficacious in the cure, mitigation, and treatment of electrical deficiency in the blood, autointoxication, myriad manifestations of toxemia, most chronic ailments, and many acute conditions; that it would keep the white cells active in fighting disease organisms in the blood stream; that it would energize the body tissue and normalize metabolism processes; that it would enable one to have more energy, more life, and more pep; that it would induce activity in the circulatory system; that it would stimulate natural vital processes; that it would promote elimination of waste; that it would strike at the underlying cause of disease; that it would set antitoxic and eliminative forces and organs to work, would enable them better to perform their functions, and would cause all the life forces to work towards health; that it would provide renewed health and vigor; that it would increase the power of the body to rid itself of the waste matter and poisons which clog the cells and blood stream more and more with advancing years; that it would be efficacious in the cure, mitigation, treatment, and prevention of faulty elimination of poisons which result from abnormal activities of the organs, tissues, and cells of the body; that it would be efficacious in preventing the absorption of poisons produced by putrefactive changes in the intestinal contents; that it would be efficacious in overcoming the effects of poisons from infected teeth, tonsils, and sinuses, and the effects of infections such as colds, influenza, and pneumonia; that it would be efficacious in the cure, mitigation, treatment, and prevention of toxemia resulting from overeating, improper diet, overindulgence in cigarette smoking, worry, fear, coffee drinking, and alcohol; that it would influence favorably the fundamental activities of the body such as circulation, elimination, digestion, nutrition, and metabolism; that it would be efficacious in developing and maintaining a state of exuberant health; that it would be efficacious in keeping one physically and mentally fit; and that it would be efficacious in the cure, mitigation, and treatment of asthma, arthritis, sinusitis, light and heavy colds, "strep" or sore throat, acute bronchitis, pleurisy, lumbago, acute pains and aches due to influenza, pain in the appendix area, enlarged or inflamed prostate, painful and difficult menstruation, streptococcus and staphylococcus infections, chronic sinus conditions, pains in the area of the sinuses and shoulders due to infected teeth, digestive distress caused from gas, high blood pressure, tic douloureux trifacial neuralgia, impotence in men, ovarian distress, bleeding external hemorrhoids, and diabetes. The device would not be effective for the purposes, and would not fulfill the promises of benefit, stated and implied.

**DISPOSITION:** In accordance with Rule 20 of the Federal Rules of Criminal Procedure, the case was transferred to the Western District of Tennessee for the entry of a plea and sentence. On February 18, 1948, the defendant entered a plea of nolo contendere and received a sentence of 30 days' imprisonment on each of the 2 counts of the information, to run concurrently, and was fined \$100 on each of the 2 counts.

**2345. Misbranding of Tou-Ray Health Lamps. U. S. v. 10 Tou-Ray Health Lamps, etc.** (F. D. C. No. 23712. Sample No. 73531-H.)

**LABEL FILED:** September 18, 1947, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about February 25, 1947, by the Touraine Co., from Trenton, N. J.

**PRODUCT:** 10 *Tou-Ray Health Lamps* at Akron, Ohio, together with 130 circulars entitled "Tou-Ray Health Lamp and what it means to you." Examination showed that the devices were floor-type lamps equipped with both the ordinary incandescent bulbs and a source of ultraviolet light.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the circulars were false and misleading, since they represented and suggested that the lamps would be effective to give health, sterilize the air, prevent airborne infections, and clear skin lesions, whereas the lamps would not be effective for such purposes.

**DISPOSITION:** January 8, 1948. Default decree of condemnation and destruction.

#### DRUGS FOR VETERINARY USE\*

**2346. Misbranding of Poultry Pep, Poultry-Ton and Conditioner for Poultry, Chick-Ton, Pheno Nox-Ide-Tabs, and Large Round Worm Powder. U. S. v. Hobbs & Co., Walter C. Hobbs, and Mason B. Hobbs. Pleas of guilty. Fine of \$250 and costs against the defendants jointly.** (F. D. C. No. 23213. Sample Nos. 22763-H to 22765-H, incl., 34949-H to 34951-H, incl., 35981-H, 35982-H.)

**INFORMATION FILED:** December 8, 1947, District of Kansas, against Hobbs & Co., a partnership, Kansas City, Kans., and Walter C. Hobbs and Mason B. Hobbs, members of the partnership.

**ALLEGED SHIPMENT:** On or about March 14 and April 2 and 6, 1946, from the State of Kansas into the States of Illinois and Missouri.

**PRODUCT:** Analyses disclosed that the *Poultry Pep* was an aqueous solution containing principally magnesium sulfate, alum, and salt, with smaller amounts of iron, manganese, and chromium compounds; that the *Poultry-Ton and Conditioner for Poultry* was a mixture containing chiefly iron sulfate, copper sulfate, and magnesium sulfate, and smaller amounts of zinc sulfate, and plant-material including nux vomica; that the *Chick-Ton* was a mixture of iron sulfate, copper sulfate, sulfur, sodium bicarbonate, and plant material including nux vomica; that the *Pheno Nox-Ide-Tabs* consisted of a green compressed tablet containing chiefly zinc sulfate, sodium, alum, and boric acid, and a small amount of zinc phenolsulfonate; and that the *Large Round Worm Powder* was a gray powder consisting chiefly of copper sulfate, iron sulfate, and magnesium sulfate, with smaller amounts of quassia, nux vomica, kamala, and areca nut.

**LABEL, IN PART:** "The Hobbs Gold Bond Poultry Pep," "Gold Bond Poultry-Ton and Conditioner For Poultry," "Judge Hobbs' Gold Bond Chick-Ton," "The Hobbs Pheno Nox-Ide-Tabs," or "Gold Bond Large Round Worm Powder."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements on the respective labels and in leaflets entitled "Gold Bond Products Used and Sold by the World's Largest Baby Chick Producers," in letters addressed "Dear Poultry Friend" mailed to the consignees of the *Poultry-Ton* and the *Chick-Ton* about two days subsequent to the shipment of the drugs, and in a leaflet entitled "Why Buy Feed for Germs and Worms?" shipped with the *Large Round Worm Powder* were false and misleading, since the articles would not be effective to accomplish the purposes represented and suggested.

The false and misleading representations in the labeling were to the following effect:

\*See also No. 2310.